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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/536,328	03/24/2000	Mark Web Helweg	6852-1	2324

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EXAMINER

CHARLES, DEBRA F

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/536,328

Applicant(s)

HELWEG, MARK WEB

Examiner

Debra F. Charles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Specification

1. The abstract of the disclosure is objected to because it contains the form and legal phraseology often used in patent claims, such as "comprises" and "said". Correction is required. See MPEP § 608.01(b).

Claim Objections

2. Claims 8, 10, and 16-22 are objected to because of the following informalities:
- Claim 8, line 2, "said dynamic volatility interval" does not have proper antecedent basis.
 - Claim 16, line 5, "said central processing unit" does not have proper antecedent.
- Applicant is advised to carefully review all the claims for further needed corrections.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 8, 10, and 13-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 8, line 30, the word "syamic volatility interval" is not in the specification and its meaning is unclear. In claim 13, line 14, the words "in different of said volatility units" is unclear. It appears that some words have been left out.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1,3, 6 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Steidlmayer et al. (U.S. PAT. 5454104A).

Re claims 1 and 16: Steidlmayer et al. disclose a system for receiving, processing and displaying a collection of financial asset price data for analysis and facilitating making of a trading decision by an investor (col. 5, lines 1-35, col. 6, lines 50-67,col. 8, lines 10-20), said system comprising:

a programmable computer having a central processing unit (CPU)(col. 6, lines 50-67, col. 8, lines 20-30);

a communication device linked to said computer for receiving said collection of price data (col. 5, lines 1-10, col. 6, lines 50-67, col. 10, line 25);

a display connected to said computer for showing at least one price chart(col. 6, line 67, col. 7, lines 1-10); and

a software program for providing a set of instructions to said computer to receive and process said collection of price data and exhibit said at least one price chart on said display(Abstract, col. 7, lines 1-11, col. 8, lines 25-27, col. 10, lines 55-67).

Re claim 3: Steidlmayer et al. disclose wherein said communication device allows said computer to access a real-time price datum (col. 5, lines 60-67).

Re claim 6: Steidlmayer et al. disclose wherein said communication device accesses said real-time datum by a means included within a group consisting of a cable, a modem, a wire, a satellite dish, a radio antenna and wireless communication systems (col. 5, lines 60-67, col. 6, lines 50-60).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 2,7,8,9,10,11,12,13,14,15,17,18, 20, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steidlmayer et al. and Black et al.(U.S. PAT. 6012042A).

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Re claim 2: Steidlmayer et al. disclose wherein said communication device(col. 5, lines 1-10, col. 6, lines 50-67, col. 10, line 25).

Re claims 7 and 8: Steidlmayer et al. disclose wherein said set of instructions creates a floating axis against which said price data are plotted, and said set of instructions creates a syamic volatility interval in which said price data is plotted(Abstract, col. 8, line 60-col. 9, line 50).

Re claims 11,12 and 18: Steidlmayer et al. disclose(s) wherein said price data is represented relative to a floating time axis representing a financial asset price function (F) and an axis representing a price volatility interval function (I). And said showing how often an asset price determined by said function (F) and said function (I) trades in a volatility interval determined by said function (I)(Fig. 8-D, 8-E, col. 8, lines 60-col. 9, line 30, col. 9, line 60-col. 10, line 60).

As applied to claims 2,7,8, 11,12 and 18: Steidlmayer et al. disclose(s) the claimed invention except a historical price datum or data. However, in Fig. 1, item 12, col. 1, lines 45-65,col. 2, lines 55-60,col. 3, lines 60-67,col. 4, lines 25-35, col. 10, lines 55-67 thereof, Black et al. disclose(s) historical security price, volume data and peaks, valleys and plateaus of a given security's fluctuating value could be charted easily, trends spotted and predictions made therefrom. It would be obvious to one of ordinary skill in the art to modify the invention of Steidlmayer et al. based on the teachings of Black et al. The motivation to combine these references is both deal with price chart construction and Steidlmayer et al. does accept data that is not real-time, however, Black et al. includes the added feature permitting the invention to

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analyze a wider variety of back data, both fundamental and technical price data, and to display price volatility interval and financial asset price functions.

Re claims 9 and 10: Steidlmayer et al. disclose wherein said floating axis is adjusted based upon changing price data(col. 9, lines 1-50).

Re claims 13,14, 17 and 20: Steidlmayer et al. disclose(s) the claimed invention except at least one price chart comprises a value chart. And said set of instructions provided in said software program includes causing said price action profile and said value chart to be shown proximately to one another on said display. However, in Fig. 4, col. 3, line 60-67,col. 10, lines 15-35 thereof, Black et al. disclose(s) a stock price chart that shows three different charts proximately in the same screen revealing differently displayed stock price data and associated calculations and a value chart. It would be obvious to one of ordinary skill in the art to modify the invention of Steidlmayer et al. based on the teachings of Black et al. The motivation to combine these references is Steidlmayer et al. mentions user-split screen, but Black et al.'s screen is an added feature reflecting the inventor's invention of showing three different dynamics on the same computer screen. Thus, software in Black et al.'s invention incorporates the three-screen display features the inventor envisions.

Re claims 15 and 21: Steidlmayer et al. disclose wherein said set of instructions provided in said software program includes a command to said computer that causes said price action profile to be shown with a market status indicator, said indicator showing fair value, overbought and oversold market conditions(col. 5, lines 50-65, i.e. data price dislocation

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reflects range of pricing prior to next event and this includes over and under-pricing benchmarked against predetermined fair price, col. 9, line 60-col. 10, line 35).

Re claim 22: Steidlmayer et al. disclose wherein said showing step includes showing said value chart and said price action profile in a plurality of time frames(col. 3, lines 45-55).

9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steidlmayer et al. and Black et al. as applied to claim 18 above, and further in view of Lange(U.S. PAT. 6321212B1).

Re claim 19: Steidlmayer et al. disclose wherein said price action profile is produced during said processing step by determining for each relative price value plotted on said value chart, by determining a percentage with respect to a total number of trades and by plotting said percentage associated(Fig. 8-D, 8-E, col. 8, lines 60-col. 9, line 30, col. 9, line 60-col. 10, line 60).

Steidlmayer et al. and Black et al. disclose(s) the claimed invention except price data is plotted as a bell curve frequency diagram and trading frequency. However, in Fig. 6, col. 43, lines 50-67, col. 71, lines 40-60 thereof, Lange disclose(s) stock prices distributed as a normal distribution which is a bell curve frequency distribution and alternative frequency distributions which includes trading frequency. It would be obvious to one of ordinary skill in the art to modify the invention of Steidlmayer et al. and Black et al. based on the teachings of Lange. The motivation to combine these references is both main references show charting capabilities and

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frequency distributions and normal distributions are charted diagrams. Thus, Lange's feature is an addition to the existing charting features of Steidlmayer et al. and Black et al.

10. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steidlmayer et al. and Black et al. as applied to claim 2 and in view of Minton (U.S. PAT. 6014643A).

Re claims 4 and 5: Steidlmayer et al. disclose(s) the claimed invention except communication device is a CD ROM and communication device is a disk drive. However, in col.4, lines 10-52, col. 5, lines 59-67, col. 6, lines 15-30 thereof, Minton disclose(s) communication device, CD-ROM and disk drive. It would be obvious to one of ordinary skill in the art to modify the invention of Steidlmayer et al. and Black et al. based on the teachings of Minton. The motivation to combine these references is Minton shows hardware that Steidlmayer et al. and Black et al. do not mention, but are normally found in a PC and while a CD-ROM and disk drive are not normally classed as communication devices, they do function in conjunction with communication devices.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (703) 305-4718. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (703) 308-0505. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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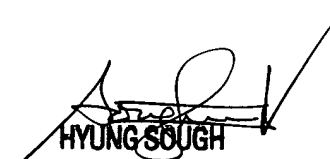
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5771.

Debra F. Charles

Examiner

Art Unit 3628

dfc


HYUNG SOUGH
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